

New ways of restructuring paid work and (unpaid) care work



Expertise of the Second Gender Equality Report
of the German Government

Summary

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Summary

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A. Introduction

Recommendations for equal capabilities

The political, economic and social sectors shall ensure that lifetime opportunities and risks are apportioned irrespective of gender. This is also a stipulation of the Basic Law for the Federal Republic of Germany (German constitution). It requires the **German government to enforce gender equality between women and men** and to eradicate existing disadvantages.

In 2015, the Federal Minister of Family Affairs, Senior Citizens, Women and Youth at the time, Manuela Schwesig, commissioned a twelve-member interdisciplinary Expert Commission to prepare a Gender Equality Report. The task of the Expert Commission was to draft an expertise for policy decisions pertaining to the future shape of gender relations and equal opportunities for all genders in Germany.

The main focus of the Expert Commission's expertise was – in accordance with the outcome of the first Gender Equality Report – on the specific steps required to enforce de facto equal gender equality between women and men and eradicate existing inequalities.

Gender equality has not yet been achieved in Germany. The disparity found in the political, economic and social participation of women and men in numerous areas of life reflects the different extent to which the capabilities of women and men achieve recognition. This imbalance is also the result of gender-based structures that prevent women and men from realising their life plans. The Expert Commission describes the barriers and hindrances to equal capabilities and opportunities inherent in discrimination, power structures, structural discrimination on the grounds of institutional rules and agendas with gender-specific adverse effects for one sex, as well as the role models and gender stereotypes. Particularly the way society organises paid work (including paid care work) and unpaid care work has a major impact on gender equality.

The aim of the Expert Commission's expertise is to create a society in which “there are equal capabilities for women and men; lifetime opportunities and risks are equally apportioned”.

The expertise, entitled **New ways of restructuring paid work and (unpaid) care work**, was presented to Minister Schwesig on January 17, 2017. It is summarised below. Headers include the respective chapter numbers for better orientation within the expertise.

Gender equality policy objectives

This **guiding principle** gives rise to the gender equality policy objectives for organising employment and care work.

- Independent economic security through integration in the workforce on equal terms
- Independent economic security through social security for unpaid work
- Independent economic security in old age
- Gender relations based on partnership and the dissolution of gender stereotypes
- Equal distribution of unpaid care work irrespective of gender
- Compatibility of a decent livelihood, care work and employment
- Access to quality (and affordable) care and support structures
- Equal pay for the same work and for work of equal value
- Eradication of discrimination and protection against gender-based violence



B. Gender-equal organisation of paid work and (unpaid) care work

The expertise for the Second Gender Equality Report is inspired by the life course approach, as was the First Gender Equality Report. The life course approach explains how life is comprised of numerous transition phases requiring decisions to be taken. How a person decides on arriving at such a junction is not only a matter of personal preferences and the availability of resources, but is also contingent on numerous other factors at social, economic, individual and possibly also family levels. Gender equality policy oriented to life course is charged with the organisation of such factors.

This views gender as being a social category, not isolated from, but lived in the same way as other social categories such as ethnic or cultural orientation, nationality and social class. It is precisely the interwoven and crossover nature of these categories of difference that require analysis (intersectional perspective). In an attempt to identify the effects of recommendations for action on different groups of men and women, the expertise reflects on **intersectionality** wherever possible. The expertise also endeavours to include the situations of those who live outside gender-dichotomous and/or heterosexual norms (LGBTIQ*).

Gender Care Gap reveals inequalities in care work

The outcome of the social organisation of paid work and (unpaid) care work: personal financial and social situations are heavily contingent on gender. Data on the level of inequality can be condensed to a number of statistical indicators that include the Gender Pay Gap, the Gender Lifetime Earnings Gap, the Gender Pension Gap, the Gender Time Gap and the Gender Equality Index. These indicators relate primarily to paid work and earnings gained from employment. There is so far no indicator for the uneven distribution of unpaid care work.

The Expert Commission therefore commissioned the calculation of the Gender Care Gap (GCG) and presented it in the Second Gender Equality Report. The GCG is determined by setting the time spent on

unpaid daily care work by women against the time spent on unpaid daily care work by men. It is calculated on the basis of representative data taken from the Time Usage survey of the Federal Statistical Office.

The Gender Care Gap is 52.4 % (based on the most recent Time Usage Survey 2012/2013), which means women perform 52.4 % more unpaid care work than men, every day. This is equivalent to one hour and 27 minutes more care work daily.

To ascertain the Gender Care Gap, time expenditure for care work is determined on the basis of the following activities (including respective travel times):

- household activities (including repairs, gardening, animal husbandry)
- care and assistance for children and adults
- voluntary commitments and
- informal help in other households

The Gender Care Gap of 52.4 % embraces all age groups (from 18 up), all household types and all workloads. It can also be calculated for individual groups. The chart depicts the daily time expenditure for unpaid care work contributed by men and women in different household types and the respective Gender Care Gap.

Women contribute more unpaid care work in all types of households than men. The actual size of the Gender Care Gap differs depending on the type of household. The Gender Care Gap in households with children is significantly higher than the average.

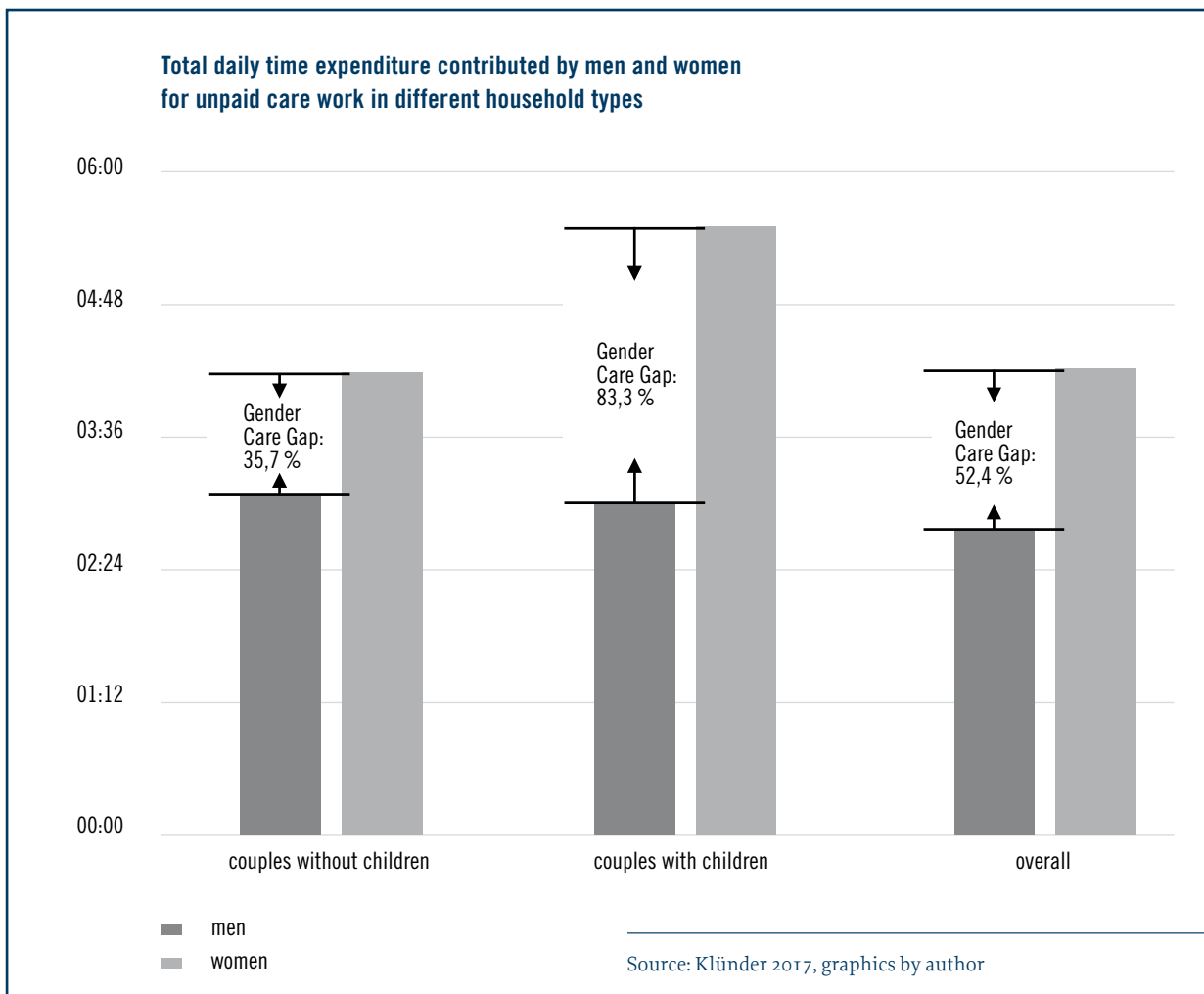
Making possible the Earner-Carer-Model

The way couples or families are sharing their daily workload is strongly influenced by state regulations, politics and legal and social norms. In Germany, state regulations, institutions and culture for a long time were based on the **breadwinner model**. According to this concept, care work is mostly privately organised, i.e. within couple or family relationships: a sole 'breadwinner' earns the money to support the family and lives with a 'housewife', who provides private care work. The person providing the private care work – generally the woman – becomes financially dependent on the partner and is exposed to the risk of poverty in old age. As this model assumes care work is and should be performed privately, public care infrastructures remain underdeveloped. In consequence, other life models become almost impossible –

letting persons like single parents suffer. The mostly male family breadwinners, on the other hand, are compelled to dedicate their entire time and energy to a profession, so that little time remains for care work.

With the increasing equal integration of women into the workforce in recent decades, a change in favour of the **supplementary-earner model** has set in. According to this, the working lives of women often develop in four phases. First, they enter into professional life, second, they take parental leave, third, they enter into part-time work, until – fourth – they return to full-time employment. Large parts of German society today live this kind of model. From a gender equality perspective, however, this is just a variation of the breadwinner model. The role of the – usually male – family breadwinner remains almost unchanged; he still has little time for the family. The – usually female – supplementary earner, on the other hand, still has to reconcile the double load of part-time employment and family care work. Part-time employment also makes it harder to secure one's livelihood and to build a career.

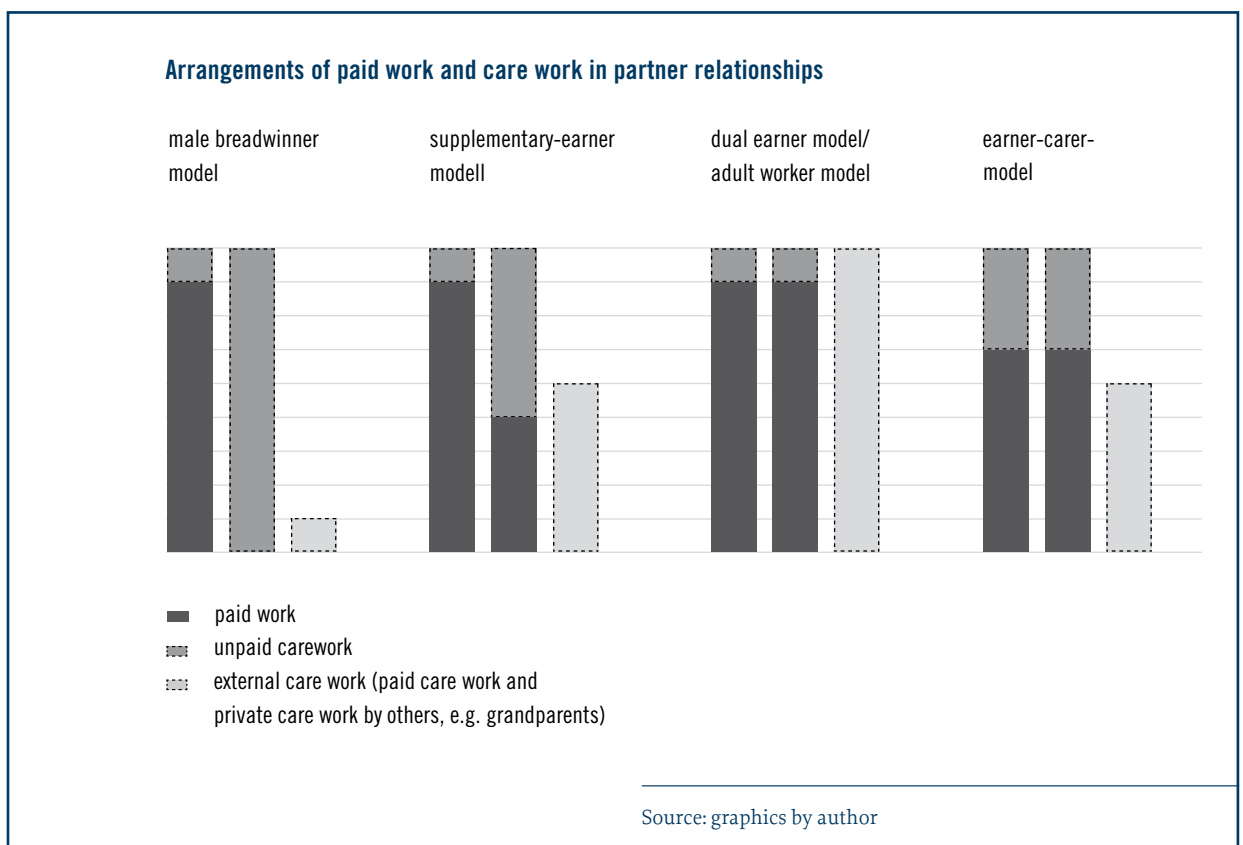
Other regulations, issued for example by the European Union, are geared towards a **universal adult worker model**. This provides for full lifetime employment for everyone – irrespective of family situation or any type of care work. The model does not take privately or informally contributed care work into consideration, but assumes it can be acquired in the market and undertaken by professionals. Most families, however, cannot bear the costs of such a model. Professional care work is then systematically underpaid or it is shunted into the field of illegal employment, often under dubious working conditions. Besides, care work tasks can never be entirely covered through the employment market, a certain amount of additional time and coordination is always required. Single parents and double-earner families, in particular, become overstrained. A lot of people prefer to take on a certain amount of informal care work themselves. It's part of life itself. Today's young women between 15 and 25 not only expect to enter working life on an equal footing, they also have no intention of letting a career dominate their private lives. A great number of men also wish to work fewer hours than is currently possible.



The case for 'a new standard based on the employee with care obligations' was already made in the First Gender Equality Report. Accordingly, the Expert Commission for the Second Gender Equality Report has taken it as given that the gender-equal organisation of paid work and (unpaid) care work must provide everyone irrespective of gender with the ability to combine employment and care work in equal measures during the life course. The Expert Commission recommends the term '**earner-carer-model**' for the concept of employment and unpaid care work seen from a gender equality perspective. According to this, and contingent on the constraints of an individual life-course, everyone should be able to contribute private care work in addition to paid work; it should also always be possible for informal/unpaid care work to coexist alongside paid work.

men to contribute informal care work without having to deal with preconceptions of stereotypes and coming to an economic dead-end – a situation many women are familiar with. It must be possible to live the earner-carer-model irrespective of gender.

This requires conditions that allow people to take up employment on an equal footing, without having to forego private care work. The earner-carer-model therefore requires policy-makers to address existing problems in connection with the distribution of employment and care work and to ensure that there is no individualisation of the organisation of care work in the private sphere. Instead, institutional and political agendas must ensure that people in two-income constellations can live them without being constantly overstretched. It should be possible for





C. Policy Recommendations

C.I Gender equality in dependent employment

Access to employment, equal opportunities and a discrimination-free working environment are the key to equal economic independence and an independent livelihood. The earner-carer-model can be put into practice if employment is organised in terms of gender equality. It encompasses many areas for action and places demands on all economic and social labour market policy-makers, associations, tariff partners, employers, labour and personnel councils, gender equality officers, representatives of severely handicapped employees and many others.

The underlying situation implicit in the still widespread 'traditional standard employment relationship' makes it harder for persons with care responsibilities to maintain a fair employment-care work arrangement. The concept of a 40-hour working week as standard for dependent employment disadvantages and does not do justice to the normal employee with care obligations, who is unable or unwilling to dedicate him- or herself exclusively to gainful employment. The importance of being responsible for children, dependants or oneself is then put aside. It comes as no surprise that full-time employees therefore wish for somewhat shorter working hours and part-time employees for longer ones. In Germany, despite existing occupational models for flexible working time and the legal entitlement to worktime reductions, hardly any changes have been made to better consider the different life phases in the organisation of working time. Part-time employment is often a 'trap', as there is no legal entitlement to limit a reduced work-time period and/or return to full-time employment and generally flexibly adapt working time to the respective life phase. Firms often reduce 'gender equality' to 'work life balance', which is then treated more or less as an offer to female employees only. A life-phase concept of working time and location, on the other hand, provides everyone with the same options for forming an earner-carer arrangement based on partnership. Corresponding working time concepts can change working time routines and contribute toward reducing discrimination against part-time employees. The Expert Commission therefore recommends bringing together 'Time Act' (*Wahlarbeitszeitgesetz*). The law should make it mandatory for companies to develop elective working

time concepts. Such Elective Working Time Act would support working-time cultures in companies that give the individual employee sovereignty over her or his working time, irrespective of preconceived normative models. It would also be receptive for minority-group wishes and future social developments.

Temporal and **locational flexibility** give the opportunity to put the earner-carer-model into practice. It is a significant contribution to changing the way time is used. Men who work from home bear more parental childcare responsibilities. Women who work from home have more working hours and less precarious employment conditions. Furthermore, up to 80 % of time saved on travel benefits the family. But temporal and locational flexibility also give rise to the expectation of constant availability, thereby creating the risk of softened boundaries, excessive demands and work overload. There is also the risk that the gender-unequal distribution of paid work and unpaid care work will become more firmly established. Paid work and unpaid care work cannot and should not be fulfilled in parallel, including at home. Mobile working should be part of a company's working time concept and become part of a new Elective Working Time Act. The Expert Commission recommends establishing a right to mobile work, where possible. Flexible working time models should, however, go along with health and safety measures.

In Germany, there is a sizeable 21 % difference between the gross hourly pay rate of women and men. When compared with Europe as well as globally, Germany therefore has to catch up in regard to **equal pay** – despite the now almost equal vocational qualifications of women and men. On many levels, there is a lack of transparency and clarity. Lack of transparency promotes and upholds pay inequalities; it especially increases information asymmetry in wage negotiations. The Expert Commission considers two instruments to be essential: company auditing systems (so called pay audits) for one, and an individual's right to acquire information, the other. The Expert Commission therefore recommends that employers and tariff partners conduct regular company audits (pay audits) every few years. This would also include an analysis of the percentages of women and men in each pay scale or position, and the analysis of the relevant job evaluation and classification system as well as detailed information pertaining to remuneration and gender pay gaps. The Expert Commission also recommends granting employees the right to access comparative information from a reference group with comparable workplace conditions, whereby anonymity within the reference group must be protected. The legal regulation is to be assessed, at the latest, after four years.

Payment systems that pursue objective and anti-discriminatory job rating procedures have the potential to neutralise and remove pay discrimination. The Expert Commission recommends supporting enterprises by certifying company audit systems as well as anti-discriminatory job rating procedures and systems. Job evaluations could also be devised to help prevent potential indirect discrimination.

An essential component in the promotion of company gender equality is the Act on Equal Participation of Women and Men in Management Positions in the Private and Public Sectors (FüPoG). The FüPoG makes it mandatory for (German-) listed or co-determined companies (approx. 3,500) to name target figures for the percentages of women on the supervisory board, the management board and two levels below the management board, respectively, as well as to submit a progress report. The Expert Commission recommends extending the area of application of the 30% quota in the FüPoG: it should also include all co-determined and listed companies, irrespective of co-determination (i.e., e.g. organisations pursuing political aims) and family businesses with more than 5,000 employees. In addition, the target figure for the percentage of women in both management levels below management-board level shall be above the respective status quo.

Employers and social partners have already devised exemplary gender equality policy measures and targets for corporate gender equality policy. Reflection training and the revision of preconceived ideas of gendered roles at all levels of management – including information about and sensitisation on lesbians, gay men, bisexuals, trans*, inter* and queer (LGBTIQ*); educational opportunities with an explicit gender equality dimension; the prevention of and fight against sexual harassment among work colleagues; discrimination-free organisation of the work environment; coupling of managerial remuneration to the attainment of gender equality targets in human resource policy; anonymised application procedures and mentoring programmes aimed at reducing the information gap between female and male applicants in negotiations with employers. Human resource management taking into account gender equality issues is also a key component of employers' gender equality policy.

If corporate and administrative working cultures are to change, top-management must set a visible example and present itself as role model. This also requires management cultures that dispense with availability expectations if these conflict with care-work responsibilities. Part-time management, e.g. with a 'tandem solution', whereby two senior managers share a management position, is just one of several possibilities.

Laws on the promotion of gender equality and of women require federal and state agencies to provide for gender equality in personnel management. The public sector can assume a role-model function and instigate a shift in working and management cultures. The increasing organisation of public companies under private law, however, poses a challenge to the effectiveness of gender equality laws. A lot of gender equality laws do not explicitly cover public companies, but only require state and federal majority holders to work towards the implementation of statutory targets. The Expert Commission recommends the explicit incorporation in the relevant gender equality laws of all companies under private law with (majority) federal state (or federal) participation.

The Expert Commission also recommends conducting an analysis on the efficiency of gender equality law on federal state level and federal level. There is a lack of systematic and comparative evaluation studies that allow identification of the most effective gender equality measures in the public sector. There are hints that strengthening the role of gender equality agendas and gender equality officers would be helpful. To meet these challenges effectively, gender equality officers require supportive budgetary privileges wherever gender equality issues (including working-time autonomy) are affected.

In the public sector, where job advancement and career structures are more formalised than in the private sector, staff assessment plays a key role. Part-time work, teleworking, parental leave and nursing care leave are often negatively assessed, though this lacks objective justification. To ensure transparency, assessment criteria should be substantiated and both appraiser and appraisee should be trained in respect of gender competence and the risk of discrimination. Gender equality officers and staff councils should be involved in critical stages of assessment processes, especially when assessment criteria are being determined, as well as in appraisal meetings.

C.II Vocational choice and vocational training

The gender-stereotyped allocation of careers and jobs results in the unequal distribution of risks and opportunities in the course of life. Certain groups, generally women, suffer career disadvantages that result in lower pay, inadequate independent social provision and a smaller share of management positions. Many risks and opportunities are closely related to the chosen training vocation. The vocational choice plays a role in determining which risks and opportunities a person faces in the life-course. The chance to develop and make a career as well as a person's future employability is strongly dependent on professional development opportunities.

Vocational counselling must therefore be gender and diversity competent, as well as cross-culturally sensitive. The counselling must be sensitised to stereotypes and call attention to the patterns inherent in career choices. If individual abilities and interests, rather than presumptions and role models, are to be decisive for vocational counselling and for choosing a profession, schools, training centres and the employment market must focus on a person's individual abilities irrespective of gender and background. The guiding principle of vocational counselling and vocational orientation must be gender equality policy objectives that go beyond a mere recommendation or rule of procedure. As a first step, the Expert Commission therefore recommends a legal specification of **gender- and diversity-competent vocational counselling** and vocational orientation, which also covers probable remuneration and its significance for a person's course of life. It also recommends making legal provision for the counselling of employers: they have to be informed about gender- and background-specific disadvantages in vocational training and the employment market. In this way, employers, especially smaller companies, are to be attracted to commit themselves to implementing the principles of gender equality. A crucial factor for implementation is that gender- and diversity-competence, including intercultural competence, become key qualification for all professionals concerned with vocational counselling processes.

An obstacle to further training is the lack of information on financing possibilities, leave of absence and the content of educational programmes. This is due mainly to the confusing complexity of the further education sector. Therefore, a concentration of and a comprehensive strategy for the more than 200 state and federal educational programmes under the umbrella of a 'Quality offensive for further training'

would therefore be expedient. The Expert Commission also recommends establishing a legal right to further training counselling and competence assessment in the (German) Social Code (SGB) II and III. This would promote the setup of nationwide counselling centres, as well as removing obstacles to counselling.

Part-time employees in particular join further training programmes less frequently. Furthermore, the greater the number of children, the fewer women and more men are to be found in further training programmes. Better consideration would be given to individual life-course situations if the duration of such measures varied and if they were held in different timeframes. Such gender equality standards should at least be an integral part of all publicly funded further training programmes.

Women are visibly underrepresented in job training programmes with respect to both attendance rate and time spent on further training. Women frequently have to attend job training programmes in their free-time and receive less average financial support. The Expert Commission recommends that companies and businesses involve women to a greater extent in specific career building concepts. The Expert Commission recommends (state) (booster) funding for regional training associations by the Federal Employment Agency, in particular for small and middle-sized businesses (SMB) with a high percentage of female employees. Precisely these businesses often find it especially hard to provide or finance suitable training programmes.

Adult training programmes should be available to everyone, irrespective of gender, wishing to obtain either a further qualification or a basic qualification omitted in an earlier life phase ('second chance'). In accordance with the (German) Education Grants Act (BAföG), educational grants are, however, only given for study at a university or college and to students under 30 (35 in the case of a master's degree). The Expert Commission recommends, as an important step, abolishing the age limit for admittance to training courses, support programmes and scholarships. This aims at improving the opportunity to obtain a qualification, including following an employment phase, such as a bachelor's degree following vocational training, or a master's degree after a phase of care work or paid work. Advanced education in an academic profession requires the removal of current BAföG age limits and the introduction of a 'family component' into BAföG grants, in addition to the 130-euro monthly allowance for each child. For a person older than 35, changing career or studying after or during working life is currently only possible with supplementary labour

promotion benefits. The Expert Commission also recommends an additional basic security benefit at the level of the 'Advanced Further Training Assistance Act' (AFBG-) or BAföG to cover the cost of living. This support should be linked to a review of the training-needs analysis and success prospects. To remove access hurdles, the means test should be eased compared to SGB II and BAföG. Moreover, provision should be made for tax relief. Adult educational support ought to pave the way to, in particular, a master's degree.

In Germany, (qualified) women in precarious employment positions have especially benefitted from support programmes such as training vouchers and education bonuses. The recommendation is therefore to continue such programmes and extend them to specific target groups.

C.III Gender equality in self-employment

On the one side, the flexibility offered by self-employment can facilitate the organisation of private care work and provide e.g. a possible means of re-entering the labour market. On the other side, (solo) self-employment does not always provide an independent livelihood and provision for old age (particularly in the long-term). The pay gap between women and men found among the self-employed is also larger than in dependent employment, even in those sectors in which women are overrepresented.

A basic requirement for equal capabilities for an independent livelihood is equal access to start-up opportunities, especially to capital. The Expert Commission recommends the improvement of **access to capital, competences and networks**, especially for women. It should include the subsidies policy of the Reconstruction Loan Corporation (KfW). This aspect should also be taken into consideration when developing and expanding coaching programmes. The Expert Commission recommends the amendment of existing legal regulations for start-up grants, resp. the directives of the Federal Employment Agency (BA). This should include defining the discretion so far granted to the BA; the rules governing the discretionary powers in respect of gender equality should focus on the special situations of female founders. Start-up funding should contribute more strongly towards bridging weak order periods. Existing (credit) programmes should also be reorganised as to minimise risks in cases of events that constitute economic risks in the life course, such as maternity, illness and the care of relatives.

A **guaranteed minimum income** is mandatory if the risks and prospects inherent in self-employment are to be organised on an equal footing. To improve the precarious social security situation of the solo self-employed, especially solo self-employed women, the Expert Commission recommends extending the current approach of compulsory or voluntary integration of the solo self-employed into separate social security branches (particularly employment promotion and employment protection) to a comprehensive compulsory insurance that covers pensions, health, care and unemployment insurance. Contributions should be calculated on the basis of a minimum basic contribution, which should be defined on the basis of the current practice of specific integration of the (solo) self-employed in the social security system. The (German) federal legislator should consider whether sector-specific minimum wage regulations, similar to those for employees, would also be feasible for the self-employed.

For the self-employed, the birth of a child often constitutes a business risk. The responsible federal legislators are called upon to continue to look into whether adequate services are in place to secure the maternity of self-employed women. A further problem is the fact that self-employed women usually run one-person businesses and do not have the advantage of a substitute during pre-, peri- and post-natal periods. The Expert Commission recommends mandatory integration into the health insurance system, among others. This would mean sick pay and maternity allowance could be paid. An amendment to the (German) Insurance Protection Act (VVG) would ensure that a privately insured self-employed woman can claim daily sick benefits after giving birth. The reform of the (German) Maternity Protection Act of 28 June 2016 includes a category – due to economic dependency – covering employee-like persons. It should be examined whether this could function as a kind of ‘conceptual compass’ and whether the social protection for the self-employed could generally be developed along these lines.

C.IV Revaluing care work professions

The labour market is split distinctly along gender lines. The segregation of sectors and professions has evolved over time and reflects traditional gender stereotypes and a structural undervaluation of care work. The Expert Commission recommends the development of a coherent strategy to upgrade professional care work. This upgrade contributes toward allowing those employed in this branch – mostly women – to make a decent living and build up an independent pension. An upgrade also increases the availability of professional care work for caregivers and minders, thereby contributing toward gender equality in employment and care work.

Care work is accomplished within numerous professions. To visualise this, the Expert Commission has devised the acronym **SAHGE**: this encompasses social work, household-related services, health and care, as well as child rearing. The social relevance of SAHGE activities – the vast majority of which are performed by women – for the success of a country’s economy and the functioning of society has so far not been transferred to the necessary structures – in the educational sector, the remuneration system, work-relations systems, etc. Many SAHGE occupations are still dead-end jobs. To this day, these occupations are still not completely geared to enabling an employee to build a stable career and achieve a permanent subsistence income. SAHGE occupations should become genuine **life occupations** in which employees can work well and further their personal development on a permanent basis.

The Expert Commission recommends the **restructuring of job profiles, training and advanced education**, as well as **career and promotion opportunities** in SAHGE occupations. New core guiding principles for innovative training and advanced education in SAHGE occupations should be low thresholds and the removal of artificial barriers to higher qualifications or university entrance. There is a continued need for a fee-free, easily accessible initial training system and a transparent, modular and liberally funded further training system.

- Vocational qualifications in childcare and education are obtained in technical colleges and are usually not remunerated, or not until the third year of training. As a first step towards securing a livelihood during training, remuneration during day-release training should be obtainable nationwide. More consistent training guidelines across state boundaries could help lower access thresholds, facilitate long-term planning in the case of relocation and maintain the quality of training.
- The draft Care and Nursing Reform Law of 09 March, 2016 provides for the abolition of school fees, as well as for remuneration during (qualified) nursing training. The Expert Commission recommends further provision for regular access to training in care occupations, over and above the intended requirements of this law. It considers a potential career rise to the level of (qualified) nurse to be essential. Parallel to the Care and Nursing Law reform, a possible exodus from the elderly care sector could also be prevented by significantly improving working conditions and making the profession more attractive. The Expert Commission considers, in particular, material improvements in elderly care professions to be of utmost importance.
- Reforms are also needed in the home-economics professions. Certain target groups lack low-threshold and modular training paths for domestic helps that open real implementable perspectives for a qualification in a recognized occupation or that enable a switch to other domestic service sectors. The German Society for Home Economics (dgh) curriculum, ‘Vocational qualification for domestic service’, provides an excellent basis for the development of such options. The Expert Commission therefore recommends embedding the dgh curriculum in training and advanced education for household-related occupations.

The Expert Commission recommends the promotion of **suitable demand and reward structures for better qualified employees**.

- The improvement of childcare facilities for children under three years of age and the high proportion of non-German speaking immigrant children create the need for further training in the area of early childhood education. The further education market for jobs in the education sector is, however, confusing and unstructured and it lacks structure and a coordination of content. The commitment to further training should invariably result in financial recognition and visibly enhance career opportunities, thereby making the childcare sector more attractive, and counteracting the trend toward abandoning the profession.
- In the caring professions, the amount of time available to the caregiver is becoming scarcer, whereas the requirements of the job continue to rise. An excessively high workload due to insufficient personnel diminishes the appeal of the nursing-care profession. A new assessment system for personnel requirements in nursing-care facilities is planned for 2020 – this provides an opportunity for gender equality policy. The Expert Commission recommends making use of this opportunity for appropriate staff qualification and gender equality improvements. It also recommends that unions and employers follow the example of the Berlin Charité and conclude tariff contracts providing for health protection as well as minimum staffing rules.
- Household-related services are today characterised by mini-jobs, precarious solo self-employment and irregular work. The introduction of a demand-related voucher system could help transform such jobs into regular workplaces in the service sector.

The **institutional framework conditions in care occupations** should be reformed. Despite the foreseeable, and in some areas already acute, shortage of skilled staff in SAHGE professions, it has not been possible to enforce adequate pay increases or better working conditions. The reasons for this are of a structural nature. Severe structural fragmentation is evident in the care sector. The (partial) funding of care by the statutory care insurance causes high cost pressure in care facilities. This affects working conditions, and employees come under pressure. Labour relations are characterised by fragmented negotiating arenas and regulatory structures. A universally binding endorsement of existing public sector tariff contracts could help strengthen employees' negotiating position. The Expert Commission also recommends setting up a 'Committee for the restructuring of jobs in the person-related services sector'. At the same time, the regulatory framework is also to be examined. The principle of 'outpatient (care) before inpatient' counteracts a comprehensive care system along Scandinavian lines. The Expert Commission recommends a change in thinking. The pressure of competition in the care sector is regularly passed on to employees and should be reduced.

C.V Framework conditions and infrastructure in childcare

Many women and men are unable to fulfil their employment wishes due to the current general conditions and existing infrastructure in the childcare sector. In particular, need-based childcare structures are essential if informal care is to be reconciled with employment aimed at ensuring independent financial security. Support for good quality childcare facilities is also one of the most effective means of ensuring equal opportunities for children from different socioeconomic backgrounds.

The Expert Commission therefore recommends continuing efforts to improve **infrastructure in child day-care centres and full-time schools**. In this respect, much has been achieved in recent years. The framework conditions in and availability of childcare, however, currently very much depend on where one lives. The Expert Commission highly recommends increasing efforts to develop the availability of childcare and open it for the flexible needs of parents, as well as the provision of the necessary federal, state and communal resources. Current staffing ratios are often far removed from what can be deemed pedagogically reasonable and the Expert Commission sees considerable room for improving the quality in childcare facilities. This would need to be taken into account when drafting quality development legislation for child day-care.

The Expert Commission also recommends boosting the development of a suitable full-time school care infrastructure. Despite improvements in recent years, the demand for full-time places in primary schools distinctly exceeds availability. Although 67 % of parents would like to see their children in school full-time, only 39 % of primary school children are in full-time schooling or after-school care. The rate of participation in full-time care varies considerably from state to state. The diversity of federal concepts for improvement has produced a patchy picture of full-time schooling. The Expert Commission therefore recommends the convergence of state definitions as a component of a reliable and need-related infrastructure.

At the moment, expectant fathers often take paid holiday at the time of birth. As maternity leave also serves to safeguard the mother-child bond, the obvious consequence would be the introduction of an equivalent rule for the father, resp. second parent, many of whom now wish for the chance to strengthen the bond with their child. A policy of paid leave

should thus be adopted for the father (or co-mother/ (co)father in the case of same sex couples) following the birth of a child. The Expert Commission therefore recommends – in line with policies in other European countries – the introduction of a two-week period of **paternity leave** during the first 30 days after the birth of a child.

To strengthen fathers' contribution to unpaid infant care work, a look should also be taken at how 'partner months' are organised in connection with the payment of a parental allowance. Fathers often have to justify longer periods of leave for infant care and it is hard to convince employers why these are necessary. It is against this background that the Expert Commission recommends the long-term redistribution of parental allowance and an extension of the 'partner months'. An interim solution could be to allocate four months to each parent and six months at the discretion of the parents. A long-term aim could be to split leave into thirds.

The current (German) Maternity Protection Act (MuSchG) provides for full pay during maternity leave. To avoid uneven burdening of firms with differing proportions of female employees, employer contributions have been financed in a reimbursement and pay-as-you-go scheme by means of a '**U2 levy**' pursuant to the German Law on the Reimbursement of Employer Expenditures (AAG) since 2006. Since then it could be observed that the attempt to relieve the employer-burden by reimbursing the full cost of a work prohibition has sent a false signal: Doctors are now more likely to issue individual prohibition (to work) certificates. To correct these false signals the Expert Commission recommends extending the system of supportive reimbursement by means of a pay-as-you-go scheme (U2) to situations where the employer customises and reorganises the work relationship.

A life course perspective shows that parental leave constitutes a decisive juncture in future inner-family arrangements. Since 2015, the flexibility of parental leave and allowance recommended in the First Gender Equality Report has found partial implementation in the *ElterngeldPlus* (parental allowance plus) scheme. A positive effect for gender equality could arise from a new rule explicitly addressing mothers and fathers on the subject of employment and care work, as well as increasing the range of possible choices. It is still the case that only better-off parents can afford to take full parental leave. Further family assistance at the political level is needed to effectively support the gradual transmission into employment forms that secure a livelihood and

provide both parents with economic independence. According to the majority of the Expert Commission, financial benefits during parental leave should be supplemented by an allowance for so-called '**family working time**'. Parents should be able to claim a flat-rate benefit (family allowance) for up to 24 months if both continue working in a reduced full-time mode within a certain time corridor (e.g. 80–90 % of the respective normal working week) during parental leave. This would accommodate the desired working times of many women, in particular. Both parents could secure an independent livelihood, instead of part-time employment that does not secure one's livelihood. Family working time would be an incentive for fathers to realise the wish for fewer working hours. The extent to which the proposed support will contribute toward gender equality targets should be evaluated. Supporting tariff and company measures are necessary at any rate in a family working-time model. When specifying and implementing this, parents should also have easy and comprehensive access to benefits, which should also be linked to existing benefits like *ElterngeldPlus*. To reduce complexity, the Expert Commission especially recommends the harmonisation of terminology and eligibility.

To become eligible for parental benefits, foreign citizens must have permanent residence status in Germany and a work permit. The Expert Commission recommends evaluating the justification for these and comparable restrictions to other social benefits.

More flexibility to spend time with children is needed over and above that provided by parental leave. Situations in which parents require a flexible time schedule arise frequently: visits to the doctor, school start, school festivals or when the person who normally looks after the child becomes ill. The Expert Commission therefore recommends the introduction of a **flexible time budget** (e.g. a total of 120 days for each child under 18) linked to true compensation for loss of income (e.g. equal to parental benefits). As this would be accessible on a daily basis and not involve longer absences from work, it would be easily available – including to fathers. A time budget would also benefit single parents who cannot fall back on the support of a partner.

Among all household types, **single parents** have the highest income poverty risk. Obvious problematic situations for which the need for legislative action is manifestly obvious are found in connection with the advances on maintenance payments and the interplay between welfare benefits in the low-income category. Notwithstanding further reform needs in

the area of maintenance law, the Expert Commission welcomes plans to raise, as of 2017, the limitation age for advances on maintenance payments to 18 and abolish the 72-month period for which it can be claimed. It also considers it beneficial to restrict the deduction from child allowance to half the amount of the allowance when calculating the maintenance payment advance.

Single mothers are hit particularly hard by the complex and hardly consistent relationship between welfare benefits in the low-income sector. The diversity of deduction regulations in combination with basic welfare benefits, private maintenance payments, advances on maintenance payments, child supplements and housing benefits not only affect the income situation, but also the work deployment of numerous single mothers, which has a negative effect on the possibility for social participation. The Expert Commission recommends conducting a review of and reforming deduction regulations as well as the relationship between various applicable welfare benefits.

C.VI Framework conditions and infrastructure in the care of dependent persons

Care dependency not only fundamentally alters the life of the person concerned, but also that of relatives and those who assume responsibilities in their immediate social circle. It also carries consequences with regard to gender equality issues. Dependents require high quality care infrastructures – these also involve gender-competence, diversity competence and intercultural competence. Informal caregivers – still mostly women – are dependent on framework conditions that ensure a livelihood in the present as well as later when they become older. Professional and informal care are directly connected. The lack of professional care is usually compensated by the informal caregiver. With this in mind, it is essential to clarify how structures within the care system can be reformed to increase gender competency in care and raise awareness for the relevance of gender in daily care. The opportunity for women and men to apportion care work equally and reconcile informal care work with employment should also be improved.

To ensure gender equality in care infrastructure, the Expert Commission recommends the inclusion of **gender aspects during planning and financing stages**. Care-related infrastructure planning has so far lacked such standard features in the determination, assessment and emphasis of gender aspects. This requires federal and state legislators to change the relevant (planning) legislation. Gender aspects are also to be considered when financing care infrastructures. Federal legislators should therefore include the necessary criteria in remuneration laws pertaining to social care insurance. The personnel and financial resources necessary for intercultural, gender and diversity competent care should be an integral part of the normal funding for care facilities. **Care facilities providing gender-sensitive services in the neighbourhood** should be promoted. This involves, first and foremost, the further development of care structures and concepts.

To ensure a high quality and broadly accessible care infrastructure, the Expert Commission recommends directing the focus toward the ‘Scandinavian way’, which enjoys a larger share of public funding. Professional support structures should be significantly strengthened to allow **mixed care arrangements** that feature better possibilities for combining different elements to meet the specific individual needs of dependents and caregivers. The consistent organisation of care arrangements is the key to providing women, in particular, with a realistic chance to contribute

informal care work while developing an employment biography which can also be continued when relatives develop care needs. A change of thinking is required if mixed care arrangements are to actually work. In the medium- and long-term, the primacy of informal care in the concept 'out-patient (care) before in-patient', which is currently protected in the positive-legal sense, is to be relinquished. Further legal consolidation of the priority of informal care is to be avoided. The framework conditions for nursing care should be consistently oriented towards the earner-carer-model. The positive approach of flexible day-care support in care insurance law should therefore be specifically enhanced. The legally guaranteed development of mixed care arrangements could be incorporated in a newly ordered gender-competent care guide with appeal for both women and men.

Gender competent care means a sensitive and reflective handling of gender-related needs of the person in need. A person's gender effects the relationship between caregiver and the person being cared for. Competent handling of the gender issue and the development of an appropriate understanding of the profession are essential for good care. With this in mind, the Expert Commission recommends further the consolidation of **caring staff competencies**. Gender aspects are already included in federal framework curricula, as well as in corporate and institutional training curricula, but their occurrence is somewhat sporadic. Gender competence, diversity competence and intercultural competence should be compulsory elements of the curricula. The dissemination of gender competence and diversity competence should also be an integral part of the planned regulation on training and examination for geriatric nursing.

Professional quality standards and the wish to be treated respectfully and with consideration for the personal identity and gender-related needs requires suitable framework conditions. If time pressures and the lack of resources in the daily practice cause the caregiver to neglect her or his own ethical and professional convictions, motivation and the desire to remain in the profession are undermined. An effective **staff ratio** is the prerequisite for high-quality and gender competent care. The new staff ratio guidelines in long-term social care insurance introduced with the Care Support Act II on 01 January 2016, are to be applied. Also, it should be assessed whether state regulations should include reference values for the allocation of staff.

The Expert Commission recommends improving the **situation of informal carers**. In recent years, a number of new opportunities have been created to reduce working hours and grant leave of absence to family care-

givers. These provisions in the Nursing Care Leave Act and the Family Care Leave Act should be combined and made more transparent and easier to understand. Further improvements are also required in the **opportunities to take a leave of absence from employment**. Tariff partners are also called upon to improve leave options and the social protection of informal caregivers. The matter of synchronisation of the regulations applicable to care for the elderly and child-rearing should be tackled, as both concern care work and should basically be subject to a uniform set of rules. Compensation is required for income-loss in times of informal care. The Expert Commission recommends using tax revenue to pay for a flexible time budget of 120 days and compensation for loss of income equivalent to the parental allowance. The suggested volume is about the same as for six months full-time employment and therefore the duration provided for leave under the Nursing Care Leave Act. Whereas there, however, benefits can lapse, the suggested compensation for loss of income provides a genuine financing possibility. Employees need assurance that on assuming care responsibilities they will suffer neither career nor financial drawbacks.

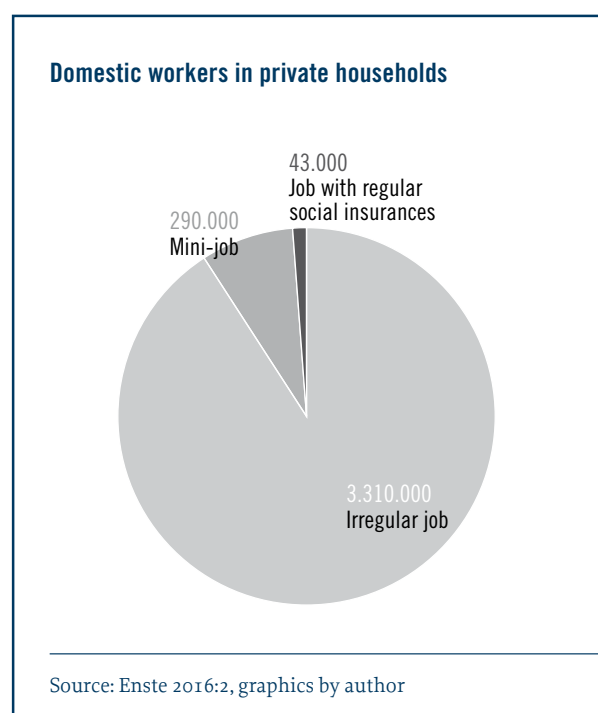
C.VII Framework conditions and infrastructure in private housekeeping

Favourable framework conditions and an effective infrastructure in private household-related services contribute to easing the burden on private households and allowing partners to apportion workloads equally. They are also important for labour law-related employee safeguards in this sector. The employment of domestic workers for whom social insurance contributions are paid is to be encouraged, whereby good work must be ensured for both the employee and the households. In Germany, a major proportion of domestic workers currently work irregularly ('moonlighters'), a small percentage are mini-jobbers and an even smaller group has a job with regular social insurances.

Household-related services comprise both technical and personal services such as daily care and support for children and dependent family members. A large heterogeneous market for these services has now emerged – a market that is characterised by very heterogeneous provider structures. Some providers are merely agents, some employers, most are online platforms. Depending on the constellation, employees and households are often taking considerable risks. Especially providers supplying workers from abroad are hardly able to fulfil their employer obligations. Particularly the working conditions of live-in staff with care for dependent persons are often problematic. Typical for such employment relations are minimum pay, extremely long working hours, no social insurance, inadequate social protection and the risk of physical violence. These also create gender, ethnic and national or social inequalities. A supply gap is often created in the workers' countries of origin, which is then filled by grandparents, other relatives or transnational domestic workers from other countries – as far as this is financially possible. The result is the formation of global care chains between different national economies and societies.

To ensure decent working conditions and upgrade jobs as well as ensure the quality and sustainability of services, the Expert Commission therefore recommends the promotion of employment subject to social insurance contributions and the engagement of service providers. It also recommends the regulation of **minimum legal work requirements** in accordance with the International Labour Organisation (ILO) agreement Decent Work for Domestic Workers. This applies particularly to live-in workers in 24-hour care or nursing.

In addition to the regulation of minimum standards, it is important to support private households with information and incentives. Households need decision guidance in the form of information about quality and employment conditions. Prerequisite for achieving this aim is the development of uniform **quality standards for household-related services**. The Expert Commission recommends the introduction of a specific certificate for both household-related services and home care. To encourage the demand for household-related services and offer households a way out of illegal employment, the Expert Commission recommends the introduction of a subsidised **voucher** system in line with the Belgian model (with initial match-fund grants of up to 20 vouchers per month, each of which is worth nine Euros per service hour). These vouchers can be redeemed through certified public or private service providers. Employers could also be given the opportunity to buy corresponding tax-privileged vouchers similar to the French model (Cheques for Universal Employment Services), which would then be made available as family support by the employer. The introduction of a voucher system not only has the potential to help people organise their everyday lives and contributes to a gender-equal apportioning of work, it also creates socially secure and crisis-proof full-time jobs.



C.VIII Re-entering the labour market

Life courses can be characterised by alternating or intermingled phases of care work and paid work. Gender equality policy should therefore aim at the removal or reduction of hurdles on the way to re-entry into employment to ensure a sustained independent livelihood when changing from one phase into the next. From a gender policy aspect, the Expert Commission considers the metric of success of re-entry to be the extent to which long-term social security, an independent livelihood and career advancements irrespective of gender can be achieved despite care-work-related breaks in paid work.

On re-entry, employees often need further training and advanced education measures to catch up with technical and other developments in the job or profession that have taken place during their absence. The government programme *Perspektive Wiedereinstieg* (Re-entry perspectives) addresses this need. The Expert Commission recommends granting the legal right to participate in the *Perspektive Wiedereinstieg* programme to persons re-entering employment. Counselling which is sensitive to different life-phases and which is independent from whether benefits are received could be provided by independent information centres to help remove obstacles. The Expert Commission recommends establishing information centres which are accessible independent of whether a person receives benefits to meet the specific information needs of single parents and parents with handicapped children. The legal basis for employment promotion programmes requires greater flexibility, particularly in respect to caregiving responsibilities in the long term. An entitlement to supported vocational training or the reintroduction of a subsistence allowance is therefore welcomed.

Key factors for successful re-entry are the consolidation and development of the **legal right to return**, including appropriate support for employers. Effective re-entry, as intended in EU Guideline 2010/18/EU for parental leave, requires the guaranteed right to the same job or at least a job of equal value on returning as well as the retention of rights and protection against unlawful dismissal throughout the entire parental leave and (family) care leave. Demotion in public service due to several years' absence from employment is indirect discrimination and as such to be reformed.

Practice has also shown that the option of a gradual return to different conditions is as important as guaranteed same terms. Essentials for re-entry include

programmes that allow employees to stay in touch during parental or care leave, the legal entitlement to further training during parental or care leave and the possibility of changing working-time or locational arrangements. The Expert Commission recommends the introduction of a labour law-related entitlement to **employers' re-entry management** flanked by works-council co-determination as well as protection against unlawful dismissal of the employee concerned throughout negotiations aimed at effective protection against disciplinary measures.

C.IX Incentives in respect of the division of resources and labour within marriage and civil partnerships

For the Expert Commission, gender equality means aspiring a society with equal opportunities for women and men. Equal opportunities presuppose independent economic security. Many of today's couples see the ideal relationship as being one of an egalitarian division of labour. On starting a family, however, a return to traditionalism can be observed. This is also influenced by such legal frameworks as the taxation of spouses, free co-insurance in statutory health insurance in marriages and civil partnerships, as well as the special legal status of mini-jobs. Matrimonial property regimes are also not conducive to most people's partnership-based ideal relationship. The Expert Commission recommends amending such regulations: These should contribute to everyone having independent social security and being able to combine employment and care work during the life course, irrespective of gender.

As a first step toward gender equal development in **income tax law**, the Expert Commission recommends the abolition of income tax class V and the general adoption of the income tax class combination IV/IV. This reform, which would not have to affect the splitting method, would improve the ratio of ongoing tax deductions for jointly assessed couples where both reach taxable income to each partner's own gross income. The resulting gain in economic efficiency achieved for a household through the second income – despite being less than the first income – would be more noticeable to the taxpayer.

In a second step, the Expert Commission recommends developing the splitting method into a de facto splitting by capping the splitting benefit, while retaining joint tax assessment for married and civil partnership couples. With the joint income tax assessment (splitting) practiced by most married and civil partnership couples, the couple is treated as though each partner has achieved exactly half the taxable income. If incomes are different, however, the progressive tax tariff creates a financial advantage compared to the individual assessment – the splitting advantage. This splitting advantage is largest if one person has a high level of employment and the other is not employed at all. The advantage shrinks when the latter takes up employment. The couple's additional income therefore is the additional earning less the amount of the forfeited splitting advantage. This can be a barrier to (re-)entering employment.

With de facto splitting, the individual taxable income for each partner would initially be determined as before. Tax concessions and deductions would still generally be double those for singles and could be transferred to the jointly assessed partners in such a way that these continue to be effective. Furthermore, a cost-of-living allowance could be transferred from the higher to the lower earner without proof being required, if the personal financial capacity of the latter is insufficient to secure an independent livelihood.

Non-contributory family (co-)insurance can, in combination with other factors (such as mini-job), also help firmly establish traditional marital roles and make it more difficult to live the earner-carer-model. Non-contributory married and civil partners are co-insured in health and nursing care insurance schemes. Such co-insurance creates a financial hurdle when a partner wishes to return to employment. Health and care insurance contributions are deducted from the income, with no additional benefit. The government should provide independent access to healthcare and care insurance for married and civil partners who forego employment to bring up children or assume care work. The co-insurance of children in the family insurance shall be continued. The length of time of such independent and publicly financed insurance status for spouses, civil partners and others with a similar status who assume child- and care duties should be limited. The time up to a child's fourth birthday can generally be applied as an index for such limitation – this can be extended in exceptional cases such as increased care requirements for a handicapped child. The Expert Commission also recommends extending family insurance to cover **members of a chosen family**, which it understands to be a self-defined solidarity network in which people contribute clearly recognisable mutual assistance in coping with daily life.

The mini-job system is a further incentive mechanism that impedes the opportunities of women and men. Mini-jobs, i.e. marginal employment of up to 450 Euros of salary, enjoy tax and social insurance privileges. In combination with the splitting method and non-contributory health and care insurance, they result in the specialisation of married and civil partners in either paid work or care work and are incompatible with partners' independent economic security and the development of independent pension claims. 'Absolute' mini-job holders are mostly women. Mini-jobs generally constitute a career dead-end and provide few promotion opportunities. Tax and social insurance privileges do not usually warrant increasing working time.

The Expert Commission recommends treating income from marginal employment the same as other income from employment. In a second step, the Expert Commission recommends abolishing the general exemption from paying social security contributions in mini-jobs, unless the income exceeds a certain minimum amount. All forms of social insurance should be compulsory. Low incomes (as earned e.g. by students and pensioners – including mini-jobs – are already tax-free due to the tax-free allowance. Income tax and compulsory social insurance for mini-jobs significantly reduce the difference between a mini-job and dependent employment. Increasing working time to earn a higher wage would then become more appealing. This coincides with the wishes of numerous mini-jobbers.

Marriage and civil partnerships directly affect the pecuniary relations between the partners. When partners do not conclude a marriage contract – as is usually the case – the **statutory property regime** of the community of accrued gains takes effect as the general legal rule. During marriage, there are separate estates within this property regime; on divorce or death, the gains accrued during this partnership are compensated. The Expert Commission recommends the introduction of the community property system as the legal property regime. In the community property system, both spouses or civil partners already obtain possession of the acquired assets, also referred to as acquired properties, during the marriage or civil partnership. In the community property system, the person with little or no income also has equal ownership of such assets during marriage or the civil partnership. She or he is therefore in a stronger negotiating position with regard to the use of assets. With the community property system, the value of family and care work already receives recognition during the partnership- and not afterwards.

The statutory property regime shall be retained as the property regime of choice, i.e. this can still be agreed by couples in a marital contract, as can property separation or community property. The Commission also advocates renaming the statutory property regime in ‘property separation with shared gains’. Parties should also be informed of pending legal changes within a reasonable time before entering marriage or a civil partnership. A great many couples are completely unaware of these property relations. The government should improve financial literacy so that people are better informed of the property consequences of marriage and civil partnership. The legislator should also introduce information and counselling for marital and civil law contracts.

C.X Pension and provision for old age

Women receive considerably less pension than men. In 2015, they received an average of 53 % lower independent pension benefits than men (Gender Pension Gap). The Gender Pension Gap demonstrates the effects of gender stereotyped work division when retirement provision systems are based entirely on employment. The amount of a person’s pension benefits is therefore a balance of the life course.

There are many reasons why women’s independent pension benefits are lower. Employment differences are central: lower rate of participation in employment throughout the life course, more frequent and longer care-related employment breaks, (care-related) part-time work and lower earnings.

Lower independent pension benefits do not necessarily mean that a person is poor or needy. They can either live in the same household as someone with a higher pension or draw a dependent’s pension (derived rights). Such security, however, has little to do with independent economic security in old age. It can even be discontinued in specific circumstances, e.g. re-marriage.

In Germany, security in old age is based on three pillars. The first of these is the statutory pension systems, in particular the statutory pension insurance fund. The second pillar are occupational pension schemes and the third private schemes. The Gender Pension Gap refers to all three pillars. The differences in the second and third pillars amplify the difference arising from the first pillar. Women therefore not only have lower state pensions than men, they also have significantly lower entitlements from occupational and private pension schemes.

One of the Expert Commission’s goals for gender equality policy is independent economic security in old age. Employment and care work should also provide an adequate independent livelihood in old age. The Expert Commission recommends the following measures to ensure men and women can live an earner-carer-model that will also secure a livelihood in later life.

The systematic and uniform acknowledgment of **care work** in pension schemes that gives rise to independent pension claims. Time spent bringing up children is already included in the statutory pension system. The Expert Commission welcomes the improved crediting of child-rearing times for children born before 1992. It also recommends looking into whether it would be (more) appropriate for this benefit to be financed from tax revenue. It should also be

examined how care times are credited in the provision for old age and how it can be improved. The care for non-relatives, e.g. neighbours and friends, should also result in an increase in pension claims. The two types of care work, childcare and nursing-care, should enjoy equal societal esteem. In retirement and on attaining pensionable age, pension claims for care work ought therefore to be the same as those for employment. Guidance structures should be created to allow caregiving relatives to apply the new rules to the accrual of pension claims.

The aim of ensuring women's and men's retirement provisions that can secure a livelihood must be pursued, first and foremost, in the employment market resp. during a person's working life. Retirement provision is an individual and social responsibility to be undertaken continuously during the life-course, with appropriate support. This must be equally possible for women and men. The Expert Commission therefore recommends developing the statutory pension insurance fund (GRV) into a universal **insurance system with a minimum pension level**. According to this, everyone should pay GRV contributions on all incomes, including those self-employed not previously liable for insurance contributions. Every paid working hour should be liable for social security contributions. A minimum compulsory contribution during the entire working-life phase should also be introduced. This would enable women and men in Germany to accrue independent, livelihood-securing claims for pension benefits in old age. The self-employed may require securing support during the setting-up phase. The question of how this can best be done is to be addressed. Where appropriate, the minimum contribution should be borne by benefits systems that currently cover the risk of income loss due to unemployment, sickness, training, childcare or nursing-care. Uninterrupted insurance liability with appropriate reward for care work could contribute toward strengthening the legitimacy of retirement provision systems.

Derived pensions continue to be a vital source of income for many women in old age. Women receive around one third of their retirement provisions from the statutory pension system in the form of dependents' benefits derived from the pension claim of the deceased spouse. These dependents' benefits neither reflect the lifelong achievements of women, nor is there an unconditional entitlement to them. Derived entitlements can even be withdrawn, e.g. on remarriage.

To ensure independent economic security in old age, derived forms of retirement provision should be restructured in favour of independent forms. The Expert Commission recommends the introduction of a **standard permanent retirement pension expectancy splitting**

for entitlements accrued during marriage and civil partnership. In return, derived dependents' pensions should be reduced. To avoid negative effects in old age for existing marriages and civil partnerships, the standard should only apply to new marriages and civil partnerships. Retirement pension expectancy splitting should take the form of a continuous pension claims adjustment and not be restricted to the statutory pension insurance fund, but also apply e.g. to claims from occupational pension schemes. Incentives should also be created to augment split retirement pension expectancies through voluntary contributions and thereby boost the later pension benefits of both partners.

The Expert Commission's recommendations for action are aimed at the accrual of an independent, livelihood-ensuring pension in old age. This is to be attained by means of a universal insurance with a minimum pension level. Later **social pension adjustments** are justified and reasonable if claims do not attain the socio-cultural minimum level in old age, despite liability for insurance contributions during the working-life phase. The isolated regulations for later social pension adjustments under the current model for the pension system also give rise to risks. These include policy prioritisations which contradict gender equality. Recommendations for later social pension adjustments, such as a 'lifetime pension', should therefore be carefully examined for potential gendered incentives and distribution effects.

Recommendations for action presented so far refer particularly to the first pillar – statutory pension systems – for most people the main source of income in old age. But the other two pillars, **occupational pension schemes** and **private insurance schemes** contribute to the Gender Pension Gap to a greater extent than the first pillar. Thus, the politically desired shift from statutory to company and private retirement provision widens the Gender Pension Gap. Far less women collect an occupational pension, which is then considerably smaller. This is because of the strong concentration of occupational pensions in male-dominated sectors and major companies. The Expert Commission recommends encouraging those segments of the labour market with a high proportion of women to introduce more occupational pensions. This should have the support of tariff partners, employers' associations and trade unions. Offsetting a person's income against a possible basic benefits claim can result in the loss of claims accrued through own provision. The Expert Commission therefore recommends implementing tax relief in basic benefits in old age. This would help promote the accrual of pension claims. Basic products should still be developed to reduce access hurdles to private retirement provisions.



D. Current challenges in gender equality policy

The gender equal organisation of paid work and (unpaid) care work serves as a guiding thread to the Expert Commission. In section D, the Expert Commission addresses the current gender equality policy challenges that are not in line with this thread.

D.I Gender equal organisation of work in digital technologies

Technological upheavals have redistributed the (access) chances and development opportunities of women and men. This raises the question of how a gender-equal distribution of opportunities and risks can be assured with increasing digitalisation. Digitalisation in this context means different parallel developments that not only affect the markets but also society as a whole. These developments include increasingly efficient IT systems, increasing Internet use, improved robotics and sensor technology, new production techniques and the growing significance of big data, the availability of information and changes in communication. It also entails more flexible and varied working opportunities, automation capacity of routine service operations as well as changes in vocational requirements and work contents, even up to the disappearance of occupations. Digitalisation therefore not only alters private and social communication processes, it also leads to significant changes in the labour market, which also impact gender relations.

Mobile work has made it possible to study and work independently thus allowing employees to balance paid work and care work more flexibly. The removal of temporal and locational boundaries, however, also creates health risks due to constant availability and work overload, as well as the risk of consolidating an unequal apportionment of paid work and care work. This requires legal, tariff and employers' measures guaranteeing and ensuring that mobile work does not involve the removal of boundaries nor encourage an unequal apportionment of paid work and care work.

Little is known about the possible effects of digitalisation on gender relations in the employment world, and the subject hardly features in the social policy and labour market debates. Committees and programmes that have so far addressed digitalisation have also mostly disregarded its effects on gender relations. The Expert Commission therefore recommends **gender mainstreaming in all committees** that address the future and digitalisation of work. To allow a timely identification of the effects of shifts in the labour market for employment opportunities, training needs and capabilities as well as inequality dynamics, the Expert Commission recommends an interdisciplinary expert committee for the consistent integration of gender competence in all employment-market research.

Digital technologies drastically reduce transaction costs for the provision of services. Service providers therefore deal increasingly more often via digital

platforms. This trend is known as **'platforming'**. This denotes the relocation of entire branches to platforms as well as the relocation of activities otherwise performed by permanent company employees to a cloud or crowd (**crowdsourcing**). Platform companies are often based on the solo self-employment of those who provide the services. The solo self-employed pay their own social welfare contributions, despite the inadequate income achieved as a platform worker. To attain a reasonable earnings level, digitalised orders have to be processed under immense time pressure. A further precarious market is being created. Furthermore, platform companies not only broker services, they also employ access barriers and reputation mechanisms to determine the quality of the services being offered. They do not, however, assume employer-responsibility. The Expert Commission recommends the improved regulation of platforms in respect of the inherent gender equality problems. This concerns, in particular, the question of platform access, the choice of service provider and the design of digital reputation mechanisms. The introduction of comprehensive compulsory social security for the solo self-employed can inhibit precarious solo self-employment.

Self-employed crowd workers need legal minimum safeguards with respect to earnings, rest and break periods between working, occupational safety and contract termination. The Expert Commission therefore recommends improving information on the legal rights and obligations associated with consumer protection in respect of information for employees and the households in which they work.

Platforms providing social and household-related services are especially important for gender equality policy. In this case, employees are not only required to pay their own pension and health insurance contributions, they also put in a lot of unpaid hours for work organisation. A large proportion of women in the cleaning industry, in particular, are migrants. Platforms should be prevented from using the solo self-employed model to avoid such costs as social welfare contributions, sick pay, etc.

The Expert Commission recommends issuing **certificates and quality seals to platforms** to ensure quality standards for good and sustainable employment that go beyond the minimum standards required by social law. Furthermore, apart from improving working conditions for platform workers, a subsidised voucher system for household-related services can ensure that households with middle and low incomes can also benefit from load-relief in everyday life.

For many people, the Internet has become a workroom. This not only applies to platform workers but also to journalists and other professions. Such groups are particularly exposed to cyber harassment and the adverse economic effects of hate comments and campaigns. From time to time, **cyber harassment** is used strategically to eject people from digital spaces. These types of attacks often have long-term effects. People are regularly targeted by viciousness, threats, stalking, mobbing and cyber sexism on the grounds of their sex, gender identity or sexual orientation. Cyber harassment, and other forms of gendered harassment present a serious problem with regard to gender equality; they are used – particularly against women and marginalised groups – to exert power and 'show a person their place'. The Expert Commission therefore recommends the introduction of measures aimed at improving digital communication culture. This should ensure, among other things, that digital comments (and the corresponding accounts, where appropriate) are immediately deleted and the victims given the necessary support if further legal steps are required. Responsibility should be borne, first and foremost, by the providers of platforms used for cyber harassment. Workplace protection is required for those employed as community managers with responsibility for the preventive elimination of offensive postings. For such standards to be implemented and become binding, a clearer definition is required of existing employer obligations relating to the prevention of discrimination for gender-related harassment by case groups. To combat cyber harassment, employers should develop suitable instruments that transfer liability to the customers of solo self-employed workers. The Expert Commission is in favour of extending the scope of the General Act on Equal Treatment (AGG) to the customers of solo self-employed workers. As a supporting measure, the Expert Commission recommends a complaints procedure with a lower threshold than for legal action via which clarification processes can be initiated in respect of the required organisational and digital mechanisms for the prevention of cyber harassment. To this end, the federal anti-discrimination agency should appoint an ombudsperson to accept and examine complaints as well as moderate conflicts and (subject to judicial monitoring) award legally binding compensation.

D.II Overcoming violence in partner relationships

A life without violence is an absolute prerequisite for equal opportunities in the life course of women and men as well as for the successful participation in education, occupation, societal, social, cultural, economic and political life. Especially violence against women by partners and ex-partners is an expression of persisting gender inequality and hierarchies in gender relations. At the same time, unequal gender relations and structural discrimination against women are key social factors encouraging male violence against women. Boys and men mainly experience physical violence in childhood in the family context, as well as during youth and at a younger age through other men in public spaces. Women mainly experience violence through a partner between late youth and the age of about 40. In Germany, there is currently no data on violence against lesbians and gay men in partner relationships, nor is there any such data for trans*persons and inter*persons.

A slight rise has been observed in violence among heterosexual couples in recent years. Women and girls are the victims of sexualised violence considerably more often than men and boys in all phases of life. One in four women has experienced physical violence and/or sexualised attack by an intimate partner at least once in her adult life. There is no representative data for Germany on violence against men in couple relationships. Existing studies suggest that men experience violence by a reference person at least once in their life - about the same as women. Men, however, are more often victims of violence outside the home by strangers and less frequently encounter serious, life-threatening and repeated violent behaviour. Female perpetrators rarely exhibit serious violent behaviour in couple relationships compared to men and their violent actions are often acts of resistance or a reaction to foregoing physical violence by a partner.

Violence is a more frequent occurrence in certain social groups. Data for Germany shows this is particularly true for women. Women with a migrant background are more often victims of serious violence by the partner. Noticeable is that those frequently affected are refugees or homeless women. Especially women with disabilities are targeted by violent behaviour: They are victims of partnership violence two to four times as often as women in the average population. They also experience a higher degree of violence and discrimination outside partner relationships. Men with disabilities also experience more violence than average, whereby their experience of violence

usually happens in public spaces and institutions, rather than in the family context. In old age, physical and psychological violence can take place more often in the context of home care and institutional care. The same applies to people with disabilities in nursing homes and care facilities.

The Expert Commission recommends general **prevention measures** in schools and educational institutions, measures to specifically support children who live or have lived in violent household situations, as well as the continuation and reinforcement of continuing public relations and campaigns against sexualised and domestic violence. This also includes specific funding for the counselling and support of all those involved in separation and divorce situations, as well as for implementing measures to improve police and court protection for female victims of violence and their children. Further and advanced training opportunities for occupations involving work with victims of violence should be developed nationwide.

With the 2002 Protection against Violence Act it became possible to order **protection measures** in cases of domestic violence and stalking. The establishment of special competences for police and public prosecution offices has also improved intervention conditions. Nonetheless, problems with implementation have been described both by victim protection organisations and the women concerned. There is no long-term financial security for the work of women's shelters, women's emergency hotlines and counselling centres for women affected by violence, nor are adequate spatial and staffing requirements ensured. The Expert Commission recommends working towards a situation in which all women (and their children) acutely threatened or affected by violent behaviour have immediate and easy access to protection mechanisms close to home. This includes prompt and barrier-free access to a counselling centre to inform on possible courses of action. Thus, the (staffing) capacities required counselling women affected by violence in women's counselling centres and emergency hotlines as well as for flexible and mobile counselling opportunities in rural areas are to be expanded. Also to be expanded are the accommodation capacities and ambulant support for women affected by violence prior to or following placement in a women's shelter (or as an alternative, in cases of less threatening violence). Early therapy opportunities are also to be made available. Furthermore, every person with experience of violence should have the chance to process it and exercise their rights as victims. In view of the particular incidence of violence against women with disabilities, suitable specific prevention and intervention measures are to be developed.

The extent of violence against women in Germany has been documented in major population-based quantitative studies conducted in recent years. There is, however, still a lack of up-to-date detailed data on violence against women as well as representative comparative data on violence against men. Also lacking is the consistent time series data important for long-term monitoring processes. In accordance with the Council of Europe Convention on preventing and combating violence against women and domestic violence, the Expert Commission also recommends the systematic and continuous collation of data on violence against women, as well as on the effectivity of intervention, prevention and support. This also includes conducting empirically based analyses to investigate the interconnection between violence, gender, disabilities and migration.

D.III Flight

There are numerous reasons why people flee their home countries. These range from wars, armed conflicts and poverty to the threat of persecution or violence based on sexual orientation or gender identity. Women generally flee for the same reasons as men but rather more often because of sexual and gender-related violence. Many people also experience gender-related forms of violence and discrimination during their escape.

Refugees come from widely diverse economic, social and cultural backgrounds. This diversity often goes unnoticed by the public. Research into the situations of women and men who have fled their countries can help dissipate generalisations and stereotyping. But improvement in the situation of refugees also requires the full processing of **knowledge- and data-based statistics**. Research can help explain the reasons for flight, integration expectations and educational backgrounds as well as the significance of sexual orientation and gender identity before, during and after fleeing. Because of the high rate of traumatised refugees, studies must adhere to specific ethical standards such as the Ethical Guidelines of the Oxford Refugee Studies Centre. The production of knowledge should include and support refugee and migrant self-organisations. For future reports, the Expert Commission also recommends mainstreaming gender equality aspects of flight in future reports.

Flight can also be caused by persecution on the grounds of gender, sexual orientation or gender identity. **Gender-related reasons for fleeing** can be recognised as grounds for asylum either under national law, under Section 16a of the Constitution, or in line with international law, under the Geneva Convention on Refugees. When a person leaves a 'safe country of origin', i.e. a country legally deemed safe, it is assumed that there was no danger of persecution and the person concerned is subjected to a fast-track procedure. If this assumption cannot be refuted, the application for asylum is refused on the grounds of being 'manifestly unfounded'. This then complicates recognition for gender-related reasons. A further limitation of the right to asylum is the third-country regulation (Dublin). A person fleeing via a safe third country must submit the application for asylum in that country. All European Union countries, plus Norway and Switzerland, are classified as safe third countries. Seriously traumatised refugees and persons with health issues caused by flight should be granted the same **right to end the flight** as

minors. The right to return such persons to the safe third country should not be applied. In such cases, a right of residence on humanitarian grounds could be granted. European regulations also stipulate that particularly vulnerable persons are to be identified and adequately provided for. This group includes, among others, minors, people with disabilities or serious illness, older people, pregnant women, people who have suffered torture, rape or other forms of psychological, physical or sexual violence. The health of these persons should be restored, disadvantages compensated, and their special needs taken into consideration. Comprehensive mechanisms are needed to determine the particular vulnerability of asylum seekers. The Expert Commission recommends implementing the relevant European guidelines.

Gender equality- and employment market-related language and integration courses should treat gender as both a content and a structural issue. This can contribute to the elimination of gender stereotypes. Gender stereotypes affect men as well as women: Women are often advised to take up female-dominated occupations in care work and the low-skilled service sector, men are pointed toward male-dominated technology-related occupations. The Expert Commission therefore recommends the use of gender-competent training material that avoids gender stereotypes and raises awareness for existing gender stereotypes in the labour market. It also recommends teaching vocational counsellors how to integrate gender-related aspects into vocational counselling.

Whether and the extent to which female refugees avail of such programmes and measures depends on a number of factors. These include the formal status of the asylum process, the prospects of remaining in the country, as well as the provision of childcare during course times. Supportive offers and information only reach the target groups if they are easily accessible. Free translation services and guidance for and by refugees could contribute to achieving this.

A life free of violence is a basic prerequisite for a good start in the new life in Germany and for facilitating participation in society, access to the labour market and education. It is therefore crucial that existing **concepts for the protection against violence** apply to all rooms, staff and procedures in reception centres and community accommodation and that regular controls ensure they are implemented. Discrimination against lesbian, gay, bi, trans*, inter* and queer (LGBTIQ*) persons is particularly severe. Special attention should be given to such increased vulnerability in refugee facilities.

A change of accommodation is often the only way of escaping a violent situation. This requires the option of **suspending residence restrictions or fixed-abode regulation**.

D.IV Structures and instruments for implementing gender equality

A consistent, purposeful and effective gender equality policy that fulfils the constitutional obligation for equal rights of men and women requires institutional mechanisms and structures. The thematic chapters of the expertise contain a series of recommendations for creating and strengthening gender equality policy structures. They also stress the need for data collection and research on gender equality. But in addition to these thematic classification measures, the Expert Commission also recommends the more effective embedding of gender equality as a guiding principle among public stakeholders. This is also provided for in the Joint rules of procedure of the Federal Ministries (GGO).

To this end, gender equality policy should be organised in the form of a **management cycle**. Gender equality action plans with specific aims and objectives could be developed on the basis of a situation analysis (e.g. provided by the Gender Equality Reports of the respective legislative period). With the standard application of such implementation tools as gender responsive budgeting and gender impact assessment, it can be ensured gender equality becomes a consistent guiding principle.

The Expert Commission recommends the introduction of the 'Action-plan' instrument at federal level, in which binding gender policy objectives and the corresponding concrete measures are determined for the respective legislature period. For such an action plan to be effective, it should already encompass the coordination structure for its implementation; it also requires adequate staffing and budgetary allocation for the position tasked with responsibility for drafting and following up the action plan.

A procedure that has achieved global recognition as an effective instrument for gender equality is **gender budgeting**. For the national budget as a whole, gender budgeting is lacking and should gradually be introduced as an instrument to ensure financial and budget policy is guided by the principle of gender equality.

The mandatory appliance of the **gender impact assessment** when drafting legislation can preclude possible negative effects of draft laws on gender equality from the onset. The Expert Commission recommends making the application and monitoring of the working aid on gender- impact assessment mandatory, to monitor the application, and defining binding standards for this monitoring process.

A **knowledge transfer structure** and **accompanying consultation for the public administration** are needed to be able to use existing knowledge on gender equality issues more widely and sustainably. This kind of structure is already in place in many other policy areas. The consulting service and transfer facilities to be created for the enhancement of gender equality should constitute the interface between research and application that enables an effective transfer of knowledge. A further task of such transfer institutions should be to support gender-equality monitoring by means of indicators: these are essential instruments for recognising the gender equality status and identifying needs for action. This structure could also serve to take up impulses from European and international gender equality policy and to develop it further for the use on national level.



Further reading:

Expert Commission on the Second Gender Equality Report (2016)
New ways of restructuring employment and (unpaid) care work. Expertise for the Second Gender Equality Report of the Federal Government (German).

Available online at
[www.gleichstellungsbericht.de/
gutachten2gleichstellungsbericht.pdf](http://www.gleichstellungsbericht.de/gutachten2gleichstellungsbericht.pdf)

Imprint

Summary compiled by

Agency for the Second Gender Equality Report

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Translation

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Proofreading

Tim Steins

Design

lilienfeld visuelles gestalten, Berlin | www.lilien-feld.com

Funded by:



Federal Ministry for
Family Affairs, Senior Citizens,
Women and Youth